

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW PETERS,

Defendant.

NO. CR 02-0078Z

ORDER
CONTINUING TRIAL DATE AND
EXTEND TIME FOR FILING
PRETRIAL MOTIONS

Based upon the reasons stated in the joint motion of the parties to continue the trial date and extend time for filing pretrial motions, and upon a review of the records and files herein, this Court adopts the stipulation of the parties and FINDS and RULES as follows:

The defendant, MATTHEW PETERS, has been charged in a five-count Superseding Indictment, which charges him with drug-related crimes. One of the charges carries a mandatory minimum term of incarceration of ten years and, because PETERS has a prior drug conviction, the mandatory minimum term of incarceration could be increased to twenty years.

On September 21, 2005, PETERS was arrested on a provisional arrest warrant, requested by the United States Department of Justice and the State Department, and issued by Panamanian authorities. On October 6, 2005, PETERS waived extradition and agreed to turn himself over voluntarily to the United States authorities. On November 17, 2005, he made his first appearance in this District.

1 On November 23, 2005, a detention hearing was held and PETERS stipulated to
2 detention. On December 8, 2005, PETERS was arraigned, pleaded not guilty to all the
3 charges and a January 30, 2006, trial date was set before this Court. Moreover, a motions
4 deadline date of December 29, 2005, was set.

5 The parties have jointly moved for a continuance of the trial date. As grounds
6 therefore, the parties have cited the unusual age and nature of the case, including that the
7 substantive charges involve conduct from 1999. Because of the age and nature of the
8 case, the parties have submitted that defense investigation of the charges and the
9 development of defense theories, will be more complicated and time-consuming than in
10 other cases, as, for example, witnesses may not be easily located and reconstruction of
11 the events will be more difficult.

12 In addition, counsel for the defendant has numerous other federal and state
13 commitments and he will not be able to afford the PETERS case the time and attention it
14 requires because of these previous commitments.

15 It therefore appearing to the Court that it would be unreasonable to expect
16 adequate preparation for pretrial proceedings and for the trial itself without a
17 continuance, even with diligent and good faith efforts by counsel to prepare for trial, and
18 it further appearing that the ends of justice served by granting the requested continuance
19 outweigh the interest of the public and the defendants in a speedy trial,

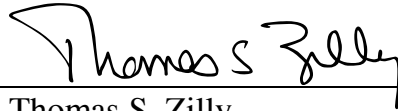
20 IT IS ORDERED that the trial date be continued from January 30, 2006, until
21 April 24, 2006.

22 IT IS FURTHER ORDERED that the period of delay from the date of this Order,
23 until April 24, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
24 purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C.
25 §§ 3161-3174.

26
27 IT IS FURTHER ORDERED that the defendant shall file any pretrial motions by
28 February 16, 2006, and that the Government shall respond within fourteen days after the

1 motions are filed, by March 2, 2006.

2 DATED this 30th day of December, 2005.

3
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5 Thomas S. Zilly
6 United States District Judge

7 Presented by:

8
9 /s/ Tessa M. Gorman

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